1 Dwight C. Donovan (SBN 114785) ddonovan@foxrothschild.com 2 Jack Praetzellis (SBN 267765) jpraetzellis@foxrothschild.com 3 FOX ROTHSCHILD LLP 345 California Street, Suite 2200 4 San Francisco, California 94104 Telephone: (415) 364-5540 5 Facsimile: (415) 391-4436 6 Attorneys for Plaintiff Rodan & Fields, LLC 7 UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 10 RODAN & FIELDS, LLC, a California limited CASE No. 16-cv-07242-JSC liability company, 11 [PROPOSED] STIPULATED FINAL Plaintiff, JUDGMENT AND PERMANENT IN-12 JUNCTION v. 13 SHAZAD GILANI; et al., 14 Defendants. 15 16 Plaintiff, Rodan & Fields, LLC ("R+F"), and defendants Shaikh Kashif Ali ("Ali"), 17 Shazad Gilani ("Gilani"), Darlin Gelilang ("Gelilang"), and Top Brands International, Inc. ("Top 18 Brands") (collectively, "Named Defendants"), reached a compromise and an agreement to settle 19 this action through the Confidential Settlement and Release Agreement, dated September 6, 2017 20 (the "Agreement"). It is stipulated, agreed and acknowledged by R+F and Named Defendants 21 that neither the Agreement nor this Stipulated Final Judgment and Permanent Injunction is an 22 admission of liability by any party for any matter under the terms of the Agreement, and that the 23 parties have consented to the form and substance of the following order. 24 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, pursuant to the stipulation 25 and consent of the parties, that all claims against Named Defendants are hereby dismissed with 26 prejudice, subject to: 27 28 [PROPOSED] STIPULATED FINAL JUDGMENT

> AND PERMANENT INJUNCTION CASE No. 16-cv-07242-JSC

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## I. PERMANENT INJUNCTION

Defendants Ali and Top Brands, including anyone acting on their behalf or at their direction, are hereby permanently restrained and enjoined from:

- (1) any use of R+F's trademarks registered with the United States Patent and Trademark Office with respect to its brand and products, including, but not limited to, Rodan & Fields® (U.S. Trademark Registration Nos. 2,372,867 and 2,371,069), Rodan + Fields® (U.S. Trademark Registration No. 3,165,883), and Rodan + Fields Enhancements® (U.S. Trademark Registration No. 3,841,995) (collectively, the "R+F Registered Trademarks");
- (2) advertising, selling, or facilitating the advertisement or sale of, via the Internet or otherwise, any goods or products bearing any of the R+F Registered Trademarks;
- (3) facilitating the advertisement or sale of, via the Internet or otherwise, any goods or products bearing any of the R+F Registered Trademarks;
- (4) using the R+F Registered Trademarks in any manner, including advertising on the Internet;
- (5) purchasing or acquiring products bearing any of the R+F Registered Trademarks for the purpose of resale; and
- (6) importing, exporting, manufacturing, producing, distributing, circulating, shipping, selling, offering to sell, advertising, promoting, or displaying any goods or products bearing any of the R+F Registered Trademarks.

## II. MONITORING COMPLIANCE

It is further ORDERED that defendants Ali and Top Brands shall:

(1) Take all reasonable steps sufficient to monitor and ensure that all persons within Ali's or Top Brands' control or employment (whether independent contractors, employees, agents, partners, or otherwise) comply with this Order, including by not limited to, providing a copy of this Order to any person within their control or employment and requiring that such persons adhere to its terms; and

> [PROPOSED] STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION CASE No. 16-cv-07242-JSC

(2) Taking all reasonable corrective action with respect to any individual within their control or employment whom defendants Ali and Top Brands determine is not in compliance with the terms of this Order, which may include training, disciplining, and/or terminating such individual, and notifying R+F in writing of the underlying conduct.

## III. PERSONS BOUND

It is further ORDERED that, pursuant to Rule 65(d)(2) of the Federal Rules of Civil Procedure, this Order is binding upon the following persons who receive actual notice of it: the parties, the parties' officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with the parties or the parties' officers, agents, servants, employees, and attorneys.

## IV. RETENTION OF JURISDICTION

It is further ORDERED that this Court shall retain jurisdiction of this matter in law and in equity for the purposes of enforcing and/or adjudicating claims in violation of this Order or of disputes arising out of, or in connection with, the Confidential Settlement and Release Agreement entered into the parties hereto. Any such matters shall be raised by noticed motion.

Each party shall bear its own costs, expenses and attorneys' fees. All claims against Defendants John Does 1-100 are hereby dismissed without prejudice.

IT IS SO ORDERED.

SIGNED and	ENTERED	this	 day of	f	2017

UNITED STATES MAGISTRATE JUDGE

1 SEEN AND AGREED: 2 3 Shaikh Kashif Ali, Defendant, Pro Se 4 5 Top Brands International, Inc., Defendant 6 By Shaikh Kashif Ali, President 7 8 Shazad Gilani, Defendant, Pro Se 9 10 11 Darlin Gelilang, Defendant, Pro Se 12 13 14 15 16 Dwight C. Donovan (SBN 114785) ddonovan@foxrothschild.com 17 Jack Praetzellis (SBN 267765) jpraetzellis@foxrothschild.com 18 FOX ROTHSCHILD LLP 345 California Street, Suite 2200 19 San Francisco, California 94104 (415) 364-5540 Telephone: 20 Facsimile: (415) 391-4436 21 Attorneys for Plaintiff Rodan & Fields, LLC 22 23 24 25 26 27 28 [PROPOSED] STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION -4-CASE NO. 16-cv-07242-JSC

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1	SEEN AND AGREED:		
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4	Snaikh Kashii Ali, Delendant, Fro Se		
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6	Top Brands International, Inc., Defendant By Shaikh Kashif Ali, President		
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9	Shazad Gilani, Detendant, Pro Se		
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11	Darlin Gelitang, Defendant, Pro Se		
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